4.   (No Change) The computerized system of claim 3, further comprising an EPG data
service for managing the EPG content database, the EPG data service providing functions for
loading electronic program guide-type data from one or more data services.

5.   (No Change) The computerized system of claim 1, further comprising a favorites service
providing one or more user interfaces and a plurality of management functions for each one of
the favorite channel lists.

6.   (No Change) The computerized system of claim 5, wherein the management functions
include at least one function selected from the group of functions consisting of: adding a favorite
event to one of the favorite channel lists, removing a favorite event from one of the favorite
channel lists, and selecting a favorite event from one of the favorite channel lists.

7.   (No Change) The computerized system of claim 1, further comprising a channel map
service for determining a physical channel number and a corresponding physical device for each
one of the logical channels.

8.   (No Change) A computerized system for managing favorite channels comprising:
        one or more favorite channel lists, the favorite channel lists comprising one or more
logical channels relating to a user specified theme, wherein the computerized system identifies
the logical channels showing an event of the user specified theme and includes such logical
channels in the favorite channel list;
        application user interfaces to allow a user to access the computerized system;
        channel map services to map a logical channel number in the favorite channel list to a
physical channel number on a physical device available to the computerized system;
        favorites services providing user interfaces and management functions for each one of the
favorite channel lists; and

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electronic program guide content services to determine what is programmed on the logical channel and to call channel map services to determine the corresponding physical channel and physical device.

9.   (No Change) The computerized system of claim 8, further comprising a channel map database for storing an association between each one of the logical channels and a physical channel and a corresponding physical device.

10.   (No Change) The computerized system of claim 8, wherein the management functions of the favorites service include at least one function selected from the group of functions consisting of: adding one of the logical channels to one of the favorite channel lists, removing one of the logical channels from one of the favorite channel lists, and selecting one of the logical channels from one of the favorite channel lists.

11.   (No Change) The computerized system of claim 8, further comprising a favorites database for storing one or more favorite channel lists.

12.   (No Change) The computerized system of claim 8, further comprising an electronic program guide content database for storing events available on the one or more channels for a period of time.

19.   (No Change) A method of using a computerized system to dynamically manage favorite channel lists relating to a user specified theme, the method comprising the steps of:
    identifying one or more channels showing an event of a user specified theme, wherein the step of identifying is achieved by matching one or more event themes from an electronic program guide (EPG) content database to the user-specified theme, and
    including each one of the channels in a favorite channel list.

20.   (No Change) The method of claim 19, wherein the step of identifying is achieved by matching one or more event sub-themes from an EPG content database to the user-specified theme.

21.   (No Change) The method of claim 19, wherein the step of identifying is achieved by matching one or more generic event sub-themes from an EPG content database to the user-specified theme.

22.   (No Change) The method of claim 19, wherein the logical channels identified during the step of identifying depend on an update frequency of the EPG content database and a number of time slots included in the favorite channels list.

23.   (No Change) The method of claim 19, wherein the step of identifying is achieved by matching one or more words in a event description from the EPG content database to the user-specified theme.

24.   (No Change) A computer comprising:

a processor;

a computer-readable medium; and

a plurality of computer instructions executed from the computer readable medium by the processor for performing the steps of identifying one or more channels showing an event of a user specified theme and including each one of the channels in a favorite channel list.

25.   (No Change) A computer readable medium having computer executable instructions stored thereon for execution on a computer, the computer executable instructions comprising:

identifying one or more channels showing an event of a user specified theme, wherein identifying is achieved by matching one or more event themes from an electronic program guide (EPG) content database to the user-specified theme, and

including each one of the channels in a favorite channel list.

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26.   (No Change) The computer readable medium of claim 25, wherein identifying is achieved by matching one or more event sub-themes from an EPG content database to the user-specified theme.

27.   (No Change) The computer readable medium of claim 25, wherein identifying is achieved by matching one or more generic event sub-themes from an EPG content database to the user-specified theme.

28.   (No Change) The computer readable medium of claim 25, wherein the channels identified during the step of identifying depend on an update frequency of the EPG content database and a number of time slots included in the favorite channels list.

29.   (No Change) The computer readable medium of claim 25, wherein identifying is achieved by matching one or more words in a event description from the EPG content database to the user-specified theme.

§103 Rejection of the Claims

Claims 1-12 and 19-29 were rejected under 35 USC § 103(a) as being unpatentable over Schein (US 6,002,394) in view of Kostreski et al. (US 5,734,589). Applicant respectfully traverses this rejection, and submits that the stated claims are patentable over the cited art.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2142.

Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the prior art does not teach or suggest all the claim limitations. In addition, with regards to claim 6, the Office Action took official notice that "the updating a relational database such as adding or removing a specific record within a database is well known in the art." Applicant respectfully traverses this official notice and requests that the Examiner provide a reference that describes such an element. Absent a reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

Claims 1-7

Neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 1-7. For example, claims 1-7 recite a computerized system that includes "one or more favorite channel lists, the favorite channel lists comprising one or more logical channels relating to the user specified theme, wherein the computerized system identifies the logical channels showing an event of the user specified theme and includes each of the logical channels in the favorite channel list. " Schein discloses favorite channel lists, theme data structures, and theme searching, but Schein does not teach or suggest favorite channel lists comprising one or more logical channels relating to a user specified theme, wherein the computerized system identifies the logical channels showing an event of the user specified theme and includes each of the logical channels in the favorite channel list. In Column 11, Schein states:

> When the viewer initiates a search for a particular type of show, for example a comedy movie, each channel is inspected and theme IDs of each show listed are compared to theme IDs stored in the comedy entry of the theme sub-category table corresponding to the movie primary category entry. Information about shows with matching theme IDs is **stored in a theme search data structure in a user interface local buffer**. *Column 11, lines 20-22* (emphasis added).

Later, Schein states that the "shows for the selected category are then **displayed** in time order." *Column 11, lines 45-46* (emphasis added). Schein does not teach or suggest a system that includes the shows in the favorite channel lists, as recited in claims 1-7.

Column 16 of Schein also does not teach or suggest the favorite channel lists of claims 1-7. In Column 16, Schein states:

> When the viewer selects a program as a favorite, for example, he or she will have the option of designating the criteria or reason(s) that the program is a favorite (i.e., actor, director, etc.). The computer will include a processor and suitable software for automatically searching the database for other programs having the same criteria. The processor will automatically **place the programs that include the designated criteria into the selection window and provide visual indication of each program in the matrix of cells in the program guide.** *Column 16, lines 25-34* (emphasis added).

Schein, therefore, does not teach or suggest a system that <u>includes</u> the programs <u>in the favorite channel lists</u>, as recited in claims 1-7.

Column 18 of Schein also does not teach or suggest the favorite channel lists of claims 1-7. In Column 18, Schein states that "[p]referably, the guide will be capable of creating personalized TV listings with **search and sort** features . . . that allow the viewer **to call up** favorite programming choices based on categories, such as channel, day, actor, movie genre or other desired categories." *Column 18, lines 54-58* (emphasis added). This searching, sorting, and calling up does not teach or suggest a system that identifies the logical channels showing an event of the user specified theme and <u>includes</u> each of the logical channels <u>in the favorite channel list</u>, as recited in claims 1-7.

Kostreski also does not teach or suggest the favorite channel lists of claims 1-7. Kostreski is directed to dynamic programming of a digital entertainment terminal, and does not teach or suggest favorite channel lists having one or more logical channels relating to a user specified theme.

Therefore, for these and other reasons, neither Schein nor Kostreski, alone or in combination, teaches or suggest all the claim limitations of claims 1-7.

Claims 8-12

Neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 8-12. For example, claims 8-12 recite a computerized system that includes "one or more favorite channel lists, the favorite channel lists comprising one or more logical

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channels relating to a user specified theme, wherein the computerized system identifies the logical channels showing an event of the user specified theme and includes such logical channels in the favorite channel list." For reasons including those argued above, neither Schein nor Kostreski teach or suggest the one or more favorite channel lists recited in claims 8-12.

Therefore, for these and other reasons, neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 8-12.

Claims 19-23

Neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 19-23. For example, claims 19-23 recite a method that includes "identifying one or more channels showing an event of a user specified theme, wherein the step of identifying is achieved by matching one or more event themes from an electronic program guide (EPG) content database to the user-specified theme," and "including each one of the channels in a favorite channel list." For reasons including those argued above, neither Schein nor Kostreski teach or suggest the identifying one or more channels showing an event of a user specified theme and the including each one of the channels in a favorite channel list recited in claims 19-23.

Therefore, for these and other reasons, neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 19-23.

Claims 24-29

Neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 24-29. For example, claims 24-29 recite "a plurality of computer instructions executed from the computer readable medium by the processor for performing the steps of identifying one or more channels showing an event of a user specified theme and including each one of the channels in a favorite channel list." For reasons including those argued above, neither Schein nor Kostreski teach or suggest the plurality of computer instructions recited in claims 24-29.

Therefore, for these and other reasons, neither Schein nor Kostreski, alone or in combination, teaches or suggests all the claim limitations of claims 24-29.

Summary

The Office Action has not established a *prima facie* case of obviousness, because the prior art does not teach or suggest all the claim limitations. Therefore, Applicant respectfully submits that claims 1-12 and 19-29 are patentable over the cited art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2169) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.
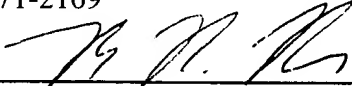
Respectfully submitted,

THEODORE D. WUGOFSKI ET AL.

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Date __May 14, 2002__ By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this **16** day of May, 2002.

Candis B. Buending
_____   _____
Name   Signature